IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2006

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVIRAJA PANDIAN

WRIT PETITION NO.42173 OF 2006

& MP.NO.1. OF 2006

S.Annadurai ..Petitioner

Vs

1.The District Collector, Dharmapuri
District, Dharmapuri.

2.The Assistant Director, Geology &
Mining, Dharmapuri.

3.The Sub.Inspector of Police, Palacode
Police Station, Palacode, Dharmapuri
District.

..Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to release the petitioner's vehicle - lorry bearing Regn.No.TN-30-U-5868 pending enquiry before the first respondent pursuant to the memo issued in Na.Ka.No.450/2006 (Mines) dated 1.11.2006.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.R.Thirugnanam, SGP

O R D E R

Mr.R.Thirugnanam, learned Special Government Pleader takes notice. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The case of the petitioner is that he is the owner of the lorry bearing Regn.No.TN-30-U-5868 with national permit. When the vehicle was returning from Madurai, after unloading the goods on 9.10.2006, at request of a lorry broker, the driver of the vehicle agreed to transport granite blocks to Jignai, Athipalli near Bangalore with the way bill handed over to him for transportation. When the vehicle was to reach near Palacode, Dharmapuri District on 10.10.2006, the Tahsildar inspected the vehicle and

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seized the same, as the transportation of granite blocks is not covered with necessary permits as required under the Tamilnadu Minor Mineral Concession Rules.

3. On 11.10.2006, after enquiring the driver of the vehicle, the petitioner was directed to produce original documents relating to the vehicle. Immediately, all the originals were produced. The petitioner was also, at request of the respondents, appeared for the enquiry on 30.10.2006 and narrated the facts by giving a statement as to how the mineral came to be transported by the driver of the vehicle. The vehicle is now in the custody of the third respondent mounting up with 16 cub.meter granite blocks from 9.10.2006. The respondents are periodically adjourning the matter without concluding the issue. Ultimately, today evening by 3 PM, the matter is posted for enquiry. The petitioner's apprehension is that whether the enquiry will be concluded or will be adjourned for some other date, the vehicle is unnecessarily kept idle mounting up with the granite blocks.

4. Learned counsel for the petitioner submits that if the enquiry is concluded today, the petitioner will proceed in accordance with the conclusion arrived at. If the enquiry is not concluded today, a direction may be issued to the respondents to release the vehicle after unloading the mineral. The petitioner will appear before the respondents with the vehicle as and when required and will cooperate with the enquiry. As the vehicle is exposed to sun and air with the load of 16 cub.meter granite blocks in a stationary position, the vehicle will be ruined and it will take several thousands of rupees to bring the vehicle into its original position. In view of the difficulties expressed and assurances given by the petitioner, this Court may direct the release of vehicle, if the enquiry is not concluded today i.e. 06.11.2006.

(4)

5. I have heard the learned counsel for the petitioner and the Special Government Pleader and perused the materials on record.

6. As the request of the petitioner stands to reason and he is also agreeing to cooperate with the enquiry to be conducted by the respondents with the fond hope of getting the vehicle released, it is open to the respondents to proceed with the enquiry, which is stated to be posted today and complete the same by today itself. If the enquiry is postponed to any other date for any other reason, this Court directs the respondents to release the vehicle alone imposing any condition whatsoever, which they require to safeguard the interests of revenue on production of a copy of this order. It is made clear that the petitioner, who transported the mineral, has to make arrangements, to unload the mineral from the vehicle. At any costs, he shall not request the authorities to unload the same.

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7. The writ petition is allowed with the above observations. No costs. Consequently, the above MP is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

RS

To

1.The District Collector, Dharmapuri District, Dharmapuri.
2.The Assistant Director, Geology & Mining, Dharmapuri.
3.The Sub.Inspector of Police, Palacode Police Station, Palacode, Dharmapuri District.
+ 1 CC To Mr. M.Muthappan, Advocate SR NO.52372

RS

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AND MP.NO.1 OF 2006
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